

TITLE OF REPORT: **Review of Flexitime Scheme**

REPORT OF: **Mike Barker, Strategic Director, Corporate Services and Governance**

Purpose of the Report

1. The purpose of this report is to request that Cabinet recommend to Council changes to the Council's Flexitime Scheme.

Background

2. The Council's Workforce Strategy and Plan recognise the need to ensure our approach to pay and reward fits the organisation's values, is fit for purpose and future proofed. We want to be able to retain and recruit a diverse range of talented people and reward and recognition are a fundamental part of this. The ability for the workforce to work in a modern and flexible way is a key priority of the Plan.
3. It is the Council's aim, wherever possible, to deliver services more effectively and efficiently whilst allowing employees to work more flexibly. To support this aim, the Council has a flexitime scheme available to employees where operational arrangements are suitable. The scheme operates at the Council's discretion; it is not a contractual entitlement, and use of flexitime is subject to line manager's approval having considered the demands of the service.
4. Under the Council's current flexitime scheme, the standard working day is:
 - Monday – Thursday 8.30am – 5.00pm
 - Friday 8.30am – 4.30pm

The current bandwidth that employees can work between is 7.30am to 6.30pm. There are no core times i.e. employees may attend flexibly during these times subject to their line manager's approval and the requirements of the individual Group/Service. Employees must work a minimum of 5 hours each day, pro-rata for part-time staff, subject to approval and the needs of the service.

5. Employees may carry forward a credit or debit balance of up to a maximum of one and a half days i.e. 11 hours and 6 minutes (or pro rata for part time staff) from one settlement period (4 weeks) to the next.
6. If employees have sufficient credit hours they are entitled to take one day or two half days "flexible" leave per settlement period, subject to the prior approval of their line manager.

7. The flexitime scheme has not been reviewed since the implementation of job evaluation in 2008.
8. The Gateshead Housing Company's (TGHC) flexitime scheme is more generous than the Council's, and this is more noticeable now that TGHC is based in the Civic Centre. TGHC's scheme allows employees to work between 7am and 7pm; to carry forward a credit or debit balance of up to a maximum of two days i.e. 14 hours 48 minutes (or pro rata for part time staff) from one settlement period to the next; and to take 2 days flexi leave per settlement period.
9. There are currently 2081 employees (48%) on the flexitime scheme and 2240 who, due to operational requirements, do not have access to the scheme.

Proposals

10. It is proposed to retain the Council's flexitime scheme but make some changes which will bring it more in line with TGHC scheme and to ensure that our approach is modern and flexible and meets the needs of both the Council and employees. Changes to be implemented are:
 - Changing the working day bandwidth to 7am to 7pm.
 - Increasing the max flexi credit balance to 14 hours 48 minutes (2 days).
 - Reducing the maximum flexi debit balance 7 hours 24 minutes (1 day).

The ability to work a 5 hour minimum day without having to take flexi or annual leave is to be retained.

11. It is also proposed that the scheme is updated to ensure that there is appropriate guidance on how the scheme operates e.g. in relation to hospital and other appointments, how to claim for attendance at college and study days and when it is not appropriate to claim flexi time.
12. It is proposed to implement the revised flexi time scheme from 1 April 2018.

Recommendations

13. Cabinet is requested to recommend to Council the proposals outlined in this report.

For the following reasons:

- (i) To ensure that the Council has modern and appropriate employment policies which reflect the need to maximise employee motivation and satisfaction.
- (ii) To ensure that the Council's approach to reward and recognition supports the need to recruit and retain a diverse range of talented people.

Policy Context

1. The proposals within this report have been developed under the Council's Workforce Strategy and Plan, and support the priorities in the Council Plan and Vision 2030, particularly ensuring that the workforce is supported to work in a modern and flexible way.
2. Recognising that our human resources policy framework needs to be competitive and sustainable, the proposals will ensure that our approach to reward and recognition supports our commitment to look after the workforce and reflects our values and aspirations.

Background

3. The Council's Workforce Strategy and Plan confirm this need to have a Pay and Reward Strategy which is fit for purpose, including the continued review of terms and conditions of employment to ensure they are consistent with the Council's aspirations set out in the Council Plan.
4. At a time of continued financial constraint it is more important than ever to see how rewards other than pay are part of the package to reward employees and attract new talent. Work life balance is becoming increasingly important to a lot of employees, many of whom have family, caring and volunteering commitments outside of work. An employee's job satisfaction and morale is higher and they may also feel more valued when they have more control over their working hours.
5. The Council has a flexi time scheme available to employees where operational arrangements are suitable. The scheme operates at the Council's discretion, it is not a contractual entitlement, and use of flexitime is subject to line manager's approval having considered the demands of the service.
6. The scheme was last reviewed in 2008 as part of the implementation of job evaluation when the requirement to work within core hours was removed and a minimum 5 hour working day was introduced. Since the schemes introduction there have been no amendments made to the working day bandwidth.
7. The location of TGHC within the Civic Centre has highlighted further that their flexi time scheme is different to the Council's and that their employees have increased flexibility compared to Council's employees.
8. A summary of the proposals are shown below, along with the Trade Unions' response to the proposals.

Proposal relating to amending the working time bandwidth

9. It is proposed that the working day bandwidth is changed to 7am to 7pm. This will ensure that employees have greater flexibility in their working day and ensure services are delivered as effectively as possible. It will also ensure that the Council's working day bandwidth is brought in line with TGHC.

Proposal relating to amending the debit and credit balances

10. It is proposed that the maximum flexi credit balance allowed is increased to 14 hours 48 minutes (2 days) from 11 hours and 6 minutes (1.5 days). Employees are committed to meeting the demands of the service and this can lead to them working longer days and accruing significant amounts of flexi time which they may not always be able to take as flexi leave. There also may be limited opportunities to work shorter days in order to reduce their flexi balance and this can often lead to employees losing flexi time accrued above the current maximum credit balance at the end of a flexi period. This can lead to employees feeling demotivated and undervalued.
11. Increasing the maximum flexi credit balance will ensure that employees have a greater chance of not losing time accrued where they have worked additional hours and give them a chance to take this time as leave or to work shorter days in the next flexi period.
12. It is also proposed that the maximum flexi debit balance is decreased to 7 hours 24 minutes (1 day) from 11 hours 6 minutes (1.5 days). Employees are contracted and paid to work 37 hours (or pro rata) and it is an expectation that they will work their contracted hours. Although the aim of the flexi time scheme is to give employees greater flexibility over their working hours (subject to service delivery) it is still expected that employees will work as close to their contracted hours as possible. There are some employees who struggle to work their contracted hours consistently and this is not addressed unless the employee's debit balance is above 11 hours 6 minutes.
13. Reducing the maximum debit allowance will enable managers to address issues with an employee's debit balance earlier and support them to identify how they can work their contracted hours and reduce their debit balance to a more appropriate level.

Trade Union Response

14. GMB were supportive of the changes to the scheme and their comments were incorporated into the policy. Due to Unison having to postpone their Branch Committee we have not yet received their feedback on the proposals. Any amendments received from Unison will be agreed by the Strategic Director Corporate Services & Governance under delegated powers.

Other local authorities

15. The flexitime schemes of the other local authorities within the region appear to be more generous. Gateshead has the shortest working day bandwidth compared to the other local authorities and the only one to have a working day bandwidth of 7.30am to 6.30pm:
 - Six have bandwidths of 7am – 7pm; one has 7am to 9pm; two have 7.30am to 7pm; and one has 7am to 6.30pm.
 - Four have a minimum working day of 4 hours and one has a minimum of 4.5 hours.
 - Four have maximum credit balance of 15 hours (approx. 2 days); one has maximum credit of 20 hours; two have maximum credit of 37 hours (1 week); and two have maximum credit of 11 hours.

16. It is recommended that the flexi time scheme is amended as outlined in this report in order to ensure that Council operates as a modern organisation and to ensure that services are delivered as effectively as possible whilst allowing employees to work more flexibly and also to bring it in line with TGHC scheme.
17. It is proposed that the revised scheme is implemented from 1 April 2018.
18. Although all the proposed changes will directly impact those employees who have access to the flexi time scheme, it will also enable those who do not have access to the scheme to start and finish work between 7am and 7pm, subject to the needs of the service.

Consultation

19. The views of the Leader and Deputy Leader of the Council have been sought in drafting this report. The Council's recognised non-teaching Trade Unions have also been consulted (see above) and their views taken into account in the drafting of the proposals.

Alternative Options

20. The Council could decide to make no change to the flexitime scheme; however, this alternative will not bring the scheme in line with TGHC and will limit the ability of our employees to work as flexibly as possible both of which may have an impact on employee morale and motivation.

Implications of Recommended Option

21. **Resources:**
 - a) **Financial Implications** – The Strategic Director, Corporate Resources, confirms that there are no direct financial implications resulting from the recommendations included in this report.
 - b) **Human Resources Implications** – The human resources implications are considered throughout this report.
 - c) **Property Implications** – There are no property implications arising from the recommendations within this report.
22. **Risk Management Implication** - Failure to implement the recommended option would increase the risk that employees do not feel valued, particularly as the flexi scheme within TGHC is seen as more flexible and supportive to employees.
23. **Equality and Diversity Implications** – An Equality Impact Assessment has been undertaken to analyse the impact of the proposal against the 9 protected characteristics. The proposal would be applied equally to all staff who are covered by the scheme. However due to our workforce profile there is the potential for the proposal to impact white, heterosexual females the most. The impact will need to be monitored and reviewed and this will be carried out on a regular basis. The Equality Impact Assessment can be found in the Council's online papers.

24. **Crime and Disorder Implications** – here are no crime and disorder implications.
25. **Health Implications** – The proposals in this report will further support employees' work life balance which should support the Council's aim to have a happy and healthy workforce.
26. **Sustainability Implications** - There are no sustainability implications.
27. **Human Rights Implications** - There are no human rights implications.
28. **Area and Ward Implications** - There are no area and ward implications.
29. **Background Information**



Flexitime Scheme

Gateshead Council

Flexitime Scheme

1. Introduction

It is the Council's aim wherever possible to deliver services more effectively and efficiently whilst allowing employees to work more flexibly. The Council has a flexi time scheme with that aim in mind, but all employees must be aware that the scheme operates at the Council's discretion, it is not a contractual entitlement, and use of flexitime is subject to line manager's approval having considered the demands of the service.

This scheme is applicable to employees whose contractual working week is 37 hours (except those staff excluded from the scheme). The scheme also applies to part time and job share employees whose operational arrangements are suitable. Due to the variations of part-time and job share working hours all examples and calculations in the scheme are based on full time employees. If employees currently work part time or job share and are covered by the flexible working scheme their entitlement will be pro-rata but they should refer to HR Support for further guidance.

The policy refers throughout to the Web Workflow system. Those without access to the web based system should continue to use the manual system for recording and adjustments.

2. Working Day

The standard working day is

Monday – Thursday	08.30am – 5pm
Friday	08.30am – 4.30pm

The extent of the working day (the bandwidth) is: 7am to 7pm.

3. Core Times

There are no core times. All employees may attend flexibly between 7am and 7pm subject to their line manager's approval and subject to the requirements of the individual Group/Service.

4. Length of Working Day

Employees **must** work a minimum of 5 hours each day, pro-rata for part-time staff. If employees want to work less than 5 hours then they must supplement those hours with either a half-day annual leave or a half-day flexible leave:

e.g. an employee could key in to work at 8am and leave work at 1pm, subject to line manager approval, after completing five hours at work.

5. Regulating Starting and Finishing Times

It is recognised that the operation of flexible working hours must not adversely affect service delivery, therefore, adequate staffing levels must prevail to maintain services. Employees will accordingly agree with management their normal working hours. If they subsequently wish to vary times of arrival/departure they must discuss and agree these with their management. They must also obtain agreement to all “flexible” leave before it is taken.

6. Breaks from Work

Where employees are working 6 hours or more then they are required to take a break of at least 30 minutes. This break should not be taken at the beginning or end of the working day. For employees on the Web Workflow system, if you work longer than six hours without clocking out, you will be deducted a 30-minute break automatically.

Multiple attendances on a single day are permitted, subject to the approval of the employee’s line manager:

e.g. If an employee wants to take a break, or go to Bewicks, leave work to collect their child from school, have a cigarette or to attend an optician’s, doctor’s or other appointment, then they must clock out when leaving their workplace and clock back in on their return. Where possible optician/dentist/doctor’s appointments should be arranged in an employee’s own time, however, it is accepted that this may not always be possible.

Employees who wish to go to Bewicks or take a shower / get changed or go for a cigarette once they are clocked in, MUST clock out before doing so. Employees who fail to clock out may be subject to disciplinary action.

7. Settlement Period and Standard Hours

The settlement period will be of four weeks. Total hours of the settlement period will be 148 hours (i.e. 4 weeks at 37 hours).

The standard working day will be 7 hours 24 minutes (37 hours).

8. Credit and Debit Balances

A credit balance of up to a maximum of two days (i.e. 14 hours 48 minutes) may be carried over from one settlement period to the next.

Normally a credit balance which exceeds two days at the end of a settlement period will be discounted.

Normally if an employee accumulates a debit balance in excess of one day (7 hours 24 minutes) at the end of a settlement period they will be liable to deduction from pay equivalent to the excess. Employees are also reminded that this scheme is covered by the disciplinary procedure.

Part time or job share employees should be allowed a pro-rata credit or debit balance to carry forward.

9. Flexible Leave

If full time employees have sufficient credit hours they are entitled to take one day or two half days "flexible" leave per settlement period, subject to the prior approval of their line manager. If employees are full time, they must have at least 5 hours credit to take a full day's leave and at least 2.5 hours credit to take a half day's leave.

10. Part Time and Job Share

If an employee currently works part time or job share they will be able to participate in the flexitime scheme if flexitime applies to full time employees, where operational arrangements are suitable.

Due to the variations of part-time and job share working hours, all examples and calculations in the scheme are based on full time employees. As a general rule, part time and job share employees will be able to take a pro rata amount of flexible leave and carry forward a pro-rata amount of time dependent upon their hours of work.

11. Overtime

Overtime will not be paid unless prior authorisation has been obtained from the line manager. In any event, approved overtime will only apply outside normal working hours, for example before 8.30am or after 5pm Monday to Thursday and 4.30pm Friday. Overtime hours should be claimed in line with normal service practice.

Note: Time worked as overtime is NOT to be recorded within the Flexitime Scheme.

12. Recording Attendance and Absence

a) Normal Attendance

Where an employee remains at their normal location, working the day in accordance with agreed times, e.g. say 8.30 am to 12 noon and 1pm to 4.45pm, they will merely badge in/out as appropriate at these times. No further action is necessary.

b) Absence from Normal Location – Official Business

If an employee is away from their normal office location they must adjust Web Workflow accordingly.

- (i) If the employee is required to report to a location other than their normal location, they must claim the appropriate credit on Web Workflow. On

subsequently returning to their normal location during the course of the day, they will 'badge in' claiming the credit up to that time.

- (ii) If an employee is required to be away from the office for training or other business for a longer period than the standard day (for example, travel to and from a conference in London), they can claim up to the total bandwidth for the day as appropriate, therefore up to a maximum of 11 hours 30 minutes (12 hours minus at least 30 minutes for lunch).

Absence from Normal Location – College/University

- (i) Full day or half day absence at college must be claimed on Web Workflow as a standard day or half day, i.e. 7 hours 24 minutes or 3 hours 42 minutes..
- (ii) Attendance at college / university should be recorded as "college" on web work flow. However, study or exam leave should be recorded as "study / exam leave".

c) Sickness/Annual Leave

For such absences employees must submit their adjustment for approval on Web Workflow for the standard working hours, i.e. 7 hours 24 minutes for a full day absence. If an employee works part time and their full day is 4 hours this is what should be documented.

Where a half day annual leave is taken, the credit to claim will be 3 hours 42 minutes or the relevant time period for those working part time.

Where an employee goes absent owing to sickness during the course of the day, the maximum credit adjustment to claim will be from the time they go absent up until their usual leaving time LESS one hour for lunch (unless absence occurs after the employee's lunch break).

For sickness absences employees should enter the details of absence onto the Web Workflow system on their return to work.

d) Hospital/Medical/Dental/Opticians Appointments

When an employee is making a GP, dental or optician's appointment, it must be made within the employee's own time. e.g. if an employee clocks in at 8.30am and has a doctor's appointment at 10.30am, they should clock out when they leave to attend the appointment and then clock back in on their return to work. The employee will be classed as being out of the office between these times and will not receive a credit adjustment.

However, a credit adjustment will be given if the employee is required to attend hospital appointments i.e. the employee is given a specific time by the hospital to attend. These should be treated on the system in the same way as an appointment for official business. If the employee attends an appointment before coming to work, the maximum credit that can be claimed will be the difference between:

- the start of the appointment, or
- the starting time of the standard working day (shown in paragraph 2), or
- the normal starting time of the employee, **whichever is the latest**, and the actual time the employee clocks in.

If the employee does not return to work after a hospital appointment they will be credited until:

- the end of the appointment, or
- the end of the standard working day (shown in paragraph 2), or
- the normal finish time of the employee, **whichever is the earliest**.

An appointment card or letter from the hospital confirming the appointment should be given to the line manager by the employee.

There is also a provision for employees with a disability, as defined under the Disability Discrimination Act, to attend pre-planned hospital and medical appointments. This provision is laid out in the Special Leave Policy and is for predictable absences including annual check ups; hospital, doctor and medical appointments; treatments including therapies; counselling; surgery; rehabilitation including rehabilitation activities. As these absences are pre-planned, the employee must give reasonable notice of the date.

Antenatal appointments will be credited in the same way as hospital appointments and should be treated as such on the system. Antenatal appointments are defined as midwife, GP or hospital appointments which the employee is required to attend during the course of their pregnancy. It does not include attendance to classes such as Aqua-Natal or parenting classes, unless you are required to attend for medical/health reasons due to your pregnancy. You must provide proof of evidence of the required attendance.

Time off will also be credited for employees who are in the process of adopting a child / children where they need to attend pre-adoption training (up to maximum of 3 days) and other adoption appointments e.g. referee interviews, applicant interviews and familiarisation sessions (up to a maximum of 5 appointments).

13. Web Workflow

Whenever a credit/debit adjustment is necessary, this must be entered on to the Web Workflow system as an updated bookings request. Each adjustment must be duly authorised by the employee's line manager or service director. Information on how to adjust bookings can be found on the Council's Intranet.

14. Failure to Badge Out

For an employee who fails to badge out when leaving the office this will be shown as an infringement of the system. Their finish time should be adjusted on the Web Workflow system.

15. Abuse of the Flexi Time Scheme

Participation on the flexi time scheme is not an entitlement and can be withdrawn at the discretion of your line manager, if the principles of the scheme are not being adhered to.

Disciplinary action may be taken against an employee if it is discovered that they have abused the system or continually failed to make relevant adjustments on the Web Workflow system.

However, there are specific abuses that may constitute gross misconduct e.g.:

- Signing in or out, for or by, another employee
- Falsifying adjustments on Web Workflow

This is not an exhaustive list and there may be other offences of a similar gravity that would be considered to constitute gross misconduct.

See other related Council Policies:

- ◇ Disciplinary Procedure
- ◇ Allowances for Working Arrangements Outside Normal Office Hours